

**REMARKS**

Claims 1-13 and 15 have been examined and stand rejected.

**Claim Rejections - 35 U.S.C. § 112, First Paragraph**

The Examiner rejected claim 1 under § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner contends the specification fails to support that “the marker detector detects the marker held by the driver only when it is opposite to the detector.”

First, Applicant submits the Examiner has mischaracterized this feature of claim 1. Correctly, the recited feature is “a marker detector provided in the vehicle to detect a qualified person marker held by a driver having a driving qualification appropriate for driving the vehicle only when the driver holds the qualified person marker opposite the marker detector.”

Second, Applicant submits this feature is supported by the present specification. Notably, an aspect of the present invention is directed to preventing the problem associated with the “possibility that the IC card is passed to an unqualified person.” (p. 2, lines 7-10). In one non-limiting exemplary embodiment, this problem may be prevented by placing an authentication tag 11 in the shoe of a qualified driver. (p. 14, lines 6-9). Consequently, if the qualified driver steps off of the vehicle body 1 and an unqualified driver attempts to start driving, predetermined measures are taken to ensure safety. (p. 12, lines 14-24).

Clearly, this non-limiting exemplary embodiment provides support for the above noted feature of claim 1, i.e., the marker detector detects a qualified person marker only when the driver holds the qualified person marker opposite the marker detector.

Thus, Applicant submits this rejection is in error and should be withdrawn.

**Claim Rejections - 35 U.S.C. § 102(b)**

The Examiner rejected claims 1-6, 8-13 and 15 under § 102(b) as being anticipated by Kito (JP 08237734; as indicated in the Office Action). Applicant notes the translation forwarded by the Examiner corresponds to Kito (JP 10082223; “Kito ‘223”). Accordingly, Applicant addresses the merits of the rejection based on Kito ‘223.

Applicant respectfully submits Kito fails to disclose, at least, “a control unit for continuously monitoring an output from the marker detector and taking a predetermined safety measure to ensure safety when a state occurs in which the qualified person marker is not detected, wherein the predetermined measure is released when the marker detector again detects the qualified person marker,” as recited in claim 1.

Kito relates an immobilizer system including a transponder 11 and receiver system 12, which is configured to shut off the fuel injection device 13 when the receiver system 12 fails to receive a proper code from the transponder 11. In operation, the transponder 11 is equipped with an accumulation of electricity circuit 26, which stores electricity generated via induction from an antenna coil 17 connected to the receiver 12. In response to this stored electrical energy, the transponder IC 27 sends a code through coil 24 to the receiver 12. (par. [0021], [0028]). In one embodiment, the driver’s shoes 7 are equipped with the transponder 11 and an accelerator pedal 2 is equipped with the antenna 17. (par. [0028]; *see* FIG. 3). In operation, if the signal from the transponder 11 is not detected after a predetermined time the actuation of the fuel injection equipment is cut. (para. [0030]).

However, no portion of Kito discloses that the disablement of the fuel injection is released after the transponder 11 is again detected by the receiver 12. Therefore, Kito fails to disclose, "wherein the predetermined measure is released when the marker detector again detects the qualified person marker," as recited in claim 1.

Thus, Applicant submits claim 1 is allowable over Kito for at least this reason. Additionally, Applicant submits because claim 8 recites a feature similar to the feature set forth above with regard to claim 1, claim 8 is allowable for at least the same reasons set forth above.

**Claim Rejections - 35 U.S.C. § 103(a)**

Claim 7 is rejected under § 103(a) as being unpatentable over Kito in view of Thorpe (UK 2,395,331).

Applicant respectfully submits because Thorpe, either taken alone or in combination with Kito, fails to compensate for the above noted deficiencies of Kito as applied to claim 1, claim 7 is allowable at least by virtue of its dependency from claim 1.

**New Claims**

New claims 16 and 17 are hereby added by this Amendment and submitted to be allowable, at least by virtue of their dependency.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



David P. Emery  
Registration No. 55,154

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

**65565**

CUSTOMER NUMBER

Date: July 6, 2007